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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,779	08/20/2001	Joshua Browning	H-508	5444

7590 11/10/2003

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EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 11/10/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

CL04

Office Action Summary

Application No.

09/932,779

Applicant(s)

BROWNING ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 8-11 and 19-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Applicant's election with traverse of claims 1-7 and 12-18 in Paper No. 4 is acknowledged. The traversal is on the ground(s) that the article which is a single unit bowl/sink and counter cannot be made by another and materially different process. This is not found persuasive because the claimed articles are not a single unit bowl/sink and counter. The claimed articles are broader than a single unit bowl/sink and counter. Also, a single unit bowl/sink and counter can be compression molded from a sheet of material of appropriate size.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 8-11 and 19-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 4.

3. This application contains claims 8-11 and 19-22 drawn to an invention nonelected with traverse in Paper No. 4. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 5, 6, 7, 12, 13, 15, 16, 17, and 18 are rejected under 35

U.S.C. 102(b) as being anticipated by Peters et al (USPN 6083339). Peters et al teach the claimed process as evident by col 8, lns 1-9; col 15, lns 45-67; and figures 1-11.

6. Claims 1, 2, 3, 4, 6, 7, 12, 13, 14, 15, 17, and 18 are rejected under 35

U.S.C. 102(b) as being anticipated by Graefe (USPN 5074770). Graefe teaches the claimed process as evident by col 6, ln 50-col 8, ln 45; col 11, ln 40-col 12, ln 67; and figures 1-6. Attachment of plank 41 or preform 30 constitutes bonding the rigidly shaped article to another assembly feature.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graefe (USPN 5074770) as applied to claim 1 above and further in view of Peters et al (USPN 6083339). The above teachings of Graefe are incorporated hereinafter. Graefe does not teach using a solid surface material comprising acrylic plastic and approximately between 20 and 85 percent aluminum trihydrate filler by weight. Peters et al teach vacuum forming a solid surface material comprising acrylic plastic and approximately between 20 and 85 percent aluminum trihydrate filler by weight into a water basin (col 8,

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Ins 1-10; figs 1-11). Peters et al and Graefe are combinable because they are analogous with respect to vacuum forming a water basin. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the solid surface material of Peters et al for the acrylic material of Graefe in order to produce a more durable water basin.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graefe (USPN 5074770) as applied to claim 12 above and further in view of Peters et al (USPN 6083339). The above teachings of Graefe are incorporated hereinafter. Graefe does not teach using a solid surface material comprising acrylic plastic and approximately between 20 and 85 percent aluminum trihydrate filler by weight. Peters et al teach vacuum forming a solid surface material comprising acrylic plastic and approximately between 20 and 85 percent aluminum trihydrate filler by weight into a water basin (col 8, Ins 1-10; figs 1-11). Peters et al and Graefe are combinable because they are analogous with respect to vacuum forming a water basin. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the solid surface material of Peters et al for the acrylic material of Graefe in order to produce a more durable water basin.

10. Applicants' arguments filed 8/28/03 have been fully considered but they are not persuasive.

Applicants argue that Peters et al requires a blank to be cut whereas the instant invention does not require such a step. This argument is misplaced because the instant claims are open-ended thus the instant claims do not prohibit a step of cutting a blank.

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Applicants' argue that Peters et al allows the blank to remain generally unrestrained whereas the instant claims use a minimal degree of restraint through the use of a retention or slip ring placed over and surrounding the periphery of the heated piece. This argument is misplaced because the instant claims do not recite the use of use a minimal degree of restraint through the use of a retention or slip ring placed over and surrounding the periphery of the heated piece.

Applicants' argue that Graefe incorporates a reaction injection molding process whereas the instant claims rely solely on the vacuum and mold. This argument is misplaced because the instant claims are open-ended thus the instant claims do not prohibit a step of reaction injection molding.

Applicants' argue that Graefe forms a laminated article whereas the instant claims are directed to a single layer product. This argument is misplaced because the instant claims are open-ended thus the instant claims do not prohibit the molding of a laminate.

Applicants' argue that Graefe uses various chemical compounds to either give the preform an adhesive coating or change the chemical composition of the material being molded, whereas the instant claims do not use the various chemical compounds. This argument is misplaced because the instant claims are open-ended thus the instant claims do not prohibit the use of the various chemical compounds. Furthermore, the instant claims do not recite an adhesive coating or a change in the chemical composition of the material being molded.

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Applicants' argue that there is no suggestion or motivation to substitute the solid surface material of Peters et al for the acrylic material of Graefe. Both Graefe and Peters et al teach the use of solid surface material having an acrylic binder and filler. The motivation for using 20-85% aluminum trihydrate as filler is to bring out desirable attributes of the solid surfacing material. See col 1, Ins 18-59 of Peters et al.

Applicants' argue that Peters et al do not teach vacuum forming a sheet of acrylic/alumina trihydrate. Peters et al teach vacuum forming a sheet of of acrylic/alumina trihydrate at col 8, Ins 1-9; col 11, Ins 58-60; and col 15, Ins 45-67.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 703.305.4019. The examiner can normally be reached on **MONDAY-THURSDAY FROM 9AM-4PM.**

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianne can be reached on 703.305.5493. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.


EDMUND H. LEE
Primary Examiner 11/6/09
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EHL